

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: IB 93-69 (4/29/94)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 357 SERVICE OF ACTIONS AGAINST DEPARTMENT ACCEPTING SERVICE TEMP	EFFECTIVE DATE: 10/10/03

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PURPOSE

To establish areas of responsibility related to the acceptance of service of process when a civil action is brought against the Department or one of its employees.

AUTHORITY

NRS 209.131
NRS 41.0339

RESPONSIBILITY

The Department Personnel Division is responsible for the activities required when the Department and its employees are named as defendants in a civil action filed by an inmate.

Responsibility for the various requirements of this policy may be delegated to other designated employees at regional locations throughout the Department.

All employees are responsible to have knowledge of and comply with this regulation.

DEFINITIONS

DESIGNATED EMPLOYEE – The Administrative Assistant II in the Personnel Division located in Carson City, the Warden/Administrative Assistant II located at Lovelock and Ely, the Program Officer I, located at Maryland Parkway in Las Vegas.

DEPARTMENT – The Nevada Department of Corrections.

EMPLOYEE – A person legally holding a position with the Department in the public service as defined in NRS 284.015.

FORMER EMPLOYEE – In the context of this regulation, a former employee means a person who is being sued for alleged acts or omissions relating to their former employment at the Department.

REGIONAL SERVICE LOCATION – The designated employee at Lovelock and Ely shall be the Warden/Administrative Assistant, and in Las Vegas the Program Officer I located at Maryland Parkway.

SERVICE OF PROCESS – The legal process by which the Department and any named defendants are provided with a Summons and Complaint.

SUMMONS AND COMPLAINT – Notification that the Department and one or more of its employees have been named as defendants in a civil action.

APPLICABILITY

This regulation applies to all current and former employees of the Department.

PROCEDURES

357.01 RULES GOVERNING SERVICE OF PROCESS AT DEPARTMENT OF CORRECTIONS

1.1 The Designated Employee is authorized to accept service for employees and the Department.

1.2 Personal service to an individual employee is proper and cannot be refused, but constitutes appropriate service for that person only.

1.2.2. That employee shall not accept service for any other employees.

1.3 When service cannot be accepted:

1.3.1 Service cannot be accepted for defendants who are not current employees of the Department unless they have signed an Acceptance of Service Form DOC-1053 and their separation date is within 2 years.

1.3.1.1 The Designated Employee located in Carson City will need to ensure the address on file for the former employee is a current address before service can be accepted.

1.3.1.2 If the Designated Employee in Carson City, cannot ensure that is the current address of the former employee, service shall not be accepted.

1.3.1.3 Former employees are eligible for representation by the Attorney General's Office if the complaint involves an alleged act or omission relating to his former public duties.

1.3.1.4 Service shall not be accepted for members of the Board of Corrections Commissioners.

1.3.1.5 The Secretary of State accepts service for the Board of Corrections Commissioners.

1.4. Acceptance of service by Carson City location:

1.4.1 Upon receipt of a properly served Summons and Complaint the Designated Employee will log the Summons and Complaint with the case number, names of the defendants, names of the defendants that service was not accepted for, along with the reason why service was not accepted, date the Summons and Complaint was served and the date the Employees Request for Legal Representation Civil Litigation Coordination Form III DOC-1034 was sent to employee.

- A complaint shall always be accompanied by a summons or service shall not be accepted.

1.4.2 The Designated Employee shall make copies of the Summons and Complaints for each defendant named in the lawsuit and will attach the original Employees Request for Legal Representation Civil Litigation Coordination form III (DOC-1034) for each defendant to sign. The original Request for Legal Representation Civil Litigation Coordination form III DOC-1034 shall be sent back to the Designated Employee.

1.4.3 The original Summons and Complaint along with the completed Notice To Attorney General Regarding Service of Process Civil Litigation Coordination Form I DOC-1032, shall be forwarded to the Attorney General's Office in Carson City.

1.5 Acceptance of service by Regional Service Locations:

1.5.1 Upon receipt of a properly served Summons and Complaint, the Regional Service Location employee will call the Designated Employee to verify acceptance of service on behalf of defendants.

1.5.2 The Regional Service Location employee shall, on the same day, log the Summons and Complaint with the case number, names of the defendants served, name of defendants that service was not accepted for along with the reason why service was not accepted, date the Summons and Complaint was served and the date the Employees Request For Legal Representation Civil Litigation Coordination form III DOC-1034 was sent to the employee.

1.5.3 Transmit a copy of the filled out Notice To Attorney General Regarding Service of Process Civil Litigation Coordination Form I DOC-1032 along with the original Summons and Complaints in the most expeditious manner possible to the Attorney General's Office and a copy to the Designated Employee.

1.5.4 The letter of transmittal, Notice To Attorney General Regarding Service Of Process Civil Litigation Coordination Form I DOC-1032, will contain the date the Summons and Complaint was received, the name and title of each defendant for whom service was accepted, and the names of each defendant for whom service was not accepted.

1.5.5 On the same day a copy of the Summons and Complaint and the original Employees Request For Legal Representation Civil Litigation Coordination Form III DOC-1034 shall be transmitted, by intra-department mail or personal delivery, to each employee for whom service of process was accepted.

1.5.6 The Employees Request for Legal Representation Civil Litigation Coordination Form III DOC-1034 shall be returned to the Regional Service Location employee and the original will be returned to the Attorney General's Office. A copy of the Employees Request for Legal Representation Civil Litigation Coordination Form III DOC-1034 will be forwarded to the Designated Employee.

1.6 Acceptance of service by an individual:

1.6.1 If an individual employee is served personally, the employee shall immediately notify the Regional Service Location employee or the Designated Employee.

1.7 Records and Logs

1.7.1 All documents and logs generated by this regulation shall be maintained pursuant to normal records retention schedule.

1.8 Employees Request for Legal Representation Civil Litigation Coordination Form III DOC-1034:

1.8.1 NRS. 41.0339 requires that an employee submit a written request for defense to the Attorney General's Office within 15-days after service of a Summons and Complaint.

1.8.2 Upon receipt of this request the Attorney General's Office will determine whether or not to tender defense.

1.8.3 Failure to respond to this request can result in an employee being left without representation.

1.9 Importance of Promptness

1.9.1 Critical times limitations apply to each step of this process. Failure to satisfy these deadlines can result in a default judgment against the employee.

REFERENCES

None

ATTACHMENTS

Notice To Attorney General Regarding Service Of Process Civil Litigation Form III DOC-1032
Employees Request For Legal Representation Civil Litigation Form III DOC-1034
Acceptance for Service Form DOC-1053

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.